public use." But, as is remarked by Loring, J., dissenting, where there is such a scarcity of coal that individual enterprise is not able to buy it, it is difficult to see how the interference of government, which is not to exercise any governmental function, can hope to be successful.

EXEMPTION—LABORER'S WAGES.—Perplexing questions arise under the statutes providing that the wages or personal earnings of laborers and mechanics, within certain limits are exempt from all process for payment of their debts. The statutes differ in terms but present substantially the same questions. Who are laborers? One judge said he was sure that all the members of his court were laborers, if fatiguing application and long hours were the test. But the distinguishing feature generally agreed on is the proportion of skill to exertion. Where physical toil is the main ingredient, although directed and made more valuable by skill, the person performing the toil is generally considered a laborer within the meaning of the statutes. But not so when the physical exertion is only incidental to the application of skill. (See cases collected in Rood, Garnishment § 91.) In a recent case in Louisiana it was held that a locomotive engineer on a passenger train is not a laborer. The court said: "The mechanic whose knowledge, trained eye and hand are relied on to protect the hundreds of passengers whose safety depends on his skill and duty intelligently performed," is not a laborer. A number of cases are reviewed. *State* v. *Land* (1902), — La. —, 32 South. Rep. 433.

It seems that this is putting too strict a construction on the term. It is true that the skill and character of the engineer are very important items in his employment. But his work involves constant and vigorous application of the muscles and gives him the horny hand and "blue finger nails." The opposite conclusion was reached in Georgia, on similar facts, and under a similar statute. *Sanner* v. *Shivers* (1886), 76 Ga. 335.

EXECUTORS AND ADMINISTRATORS—STATUTE OF LIMITATIONS—ACTIONS IN FEDERAL COURTS.—The supreme court of the United States has recently held, reversing the circuit court for the eastern district of Minnesota and the circuit court of appeals for the eighth circuit (memorandum in 43 C. C. A. 683, 104 Fed. Rep. 1006), that although statutes of the states requiring all claims to be prosecuted only in the probate courts of the state do not prevent non-resident creditors suing in the federal courts without presenting their claims in the probate court; yet a decree of the probate court of the state ordering final distribution of the estate, made within a year after the death of the debtor, is a bar to any action in the federal courts commenced after that order was made, though the state statute permitted the probate court to allow eighteen months in which to present claims, and the action in this case was commenced within the eighteen months. The decision was based on the fact that the state court had held that the effect of such a decree by the probate court "is to remove the estate of the deceased from the jurisdiction of the (probate) court, and to render the office of the administrator, which depends upon such jurisdiction, *functus officio*." *Security Trust Co.* v. *Black River Nat. Bank* (1902), — U. S. —, 23 Sup. Ct. Rep. 52.